

HB1150 Stakeholder Forum

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VCU Student Commons

Critical Questions for Discussion

*Breakout Session Flipchart Notes
Richmond Salon IV*

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Keith Boyd, NRCS
Rick Weeks, Department of Environmental Quality
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Carl Garrison, Department of Forestry
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I. What should Virginia focus on?

- Areas of focus? VA has picked top priority –Chesapeake cleanup. Should also focus on human health issues-straight pipes and septic tanks, PCB's, Mercury, air disposition/legacy issues.
- Money-fluctuation of funds-tough to do business. Without steady funding we hire, fire, re-hire. Staff movement-this is a major road block.
- Strengthen local delivery system. Need to focus on local problems, need local involvement. NRCS does not have funds/time, or staff.
- VA should learn lesson from Bay Program. Needs to pick sectors for pollution control. Plan should include adaptive management-don't worry about activities, but how activities move towards the goals. Need to assess or all will backfire. Select indicators and report appropriately. Logic for choices!

- Agree with all that has been said. Difficult issues. In long run-local delivery is biggest issue. Restoration efforts: wetlands, forests, stream banks, etc. riparian corridors. On the ground funding needed to protect and restore at local level. Another means needed-such as regulatory and voluntary approaches.
- More aggressive land conservation funding and trading system should be the focus.
- What trading system?
- Answer-"don't know" (recommendation from his staff).
- NPS and PS should also be the focus. Statewide application, not just Bay. Localities are finding benefits. Goals should be reasonable, implementatble, have sufficient funding, IP's and reviews.
- First, what is the problem that we are trying to address? We generally understand impaired waters, what is the impairment, and what are causing them. Need to identify a starting point.
- Build on past work, Tributary Strategy, etc, and think of sources and focus on NPS, and specifically, concentrate on nitrogen, phosphorus, etc
- Concur with chairmen, a lot of work on TMDLs and Trib. Strategies; need to concentrate on our IP for the above. PS's-a lot of work done, challenge for NPS
- Would like to see VA put emphasis out side Chesapeake Bay. For example, new problems on Shenandoah. Hard to keep people; need funds to maintain, train on the grounds personnel. Focus on local implementation
- I have pointed focus. General public needs to buy into the process-conservation education should be focus.
- One hard look and regulation for NPS. Could result in unintended consequences. Politically hard to regulate NPS. PS's are regulated to the hilt with most of the regulatory burden... Voluntary PS controls alone can not succeed.
- On NPS side, consistent funding is needed. Regulation is another avenue. Need to move forward to market based approach. Cost share costs farmer money, if he can earn from credits, could be win win. How can we apply this process to other impairments? Nutrient issue will be upcoming statewide challenge.
- Sediments. Market based incentive are the way to go.
- I would like to see economic market based approaches.
- Should we provide 100 % cost share in TMDL watersheds? Should there be more enforcement (ASA)? What recourse do we have? In 2010, what will have to show for it? Should we focus on one or two key tributaries to move for measurable improvement? Service and delivery are important.
- We need a prevention program for future.
- We should look at last 10 years, and refocus.
- We have selected sediment as central focus for JRA
- I again stress adaptive management!
- We need a regulatory nudge to drive market approach.
- We also need urban NPS support.

2. What should Virginia be doing for water quality protection and restoration that we are not doing? Likewise, what are we doing that we should not be doing because the practice isn't working or isn't producing the water quality improvements that are needed/desired?

- I would say prioritize. With limited resources, need hard decisions on prioritizing. Need to make choices over a reasonable time. 381 TMDLs have been done, should we just do 50 and follow-up and implement them? Our people and resources need to follow our priorities. We need to choose our path.
- We need to improve urban NPS resources
- We need more coordination between state and local government; we have no effective link
- It is important to understand what we are doing, what is the coordination between existing programs...sediment erosion control, nutrient inputs, etc. Cost share programs are the focus in western areas..protection of habitats..desire input as to are these things working...we think that we are aware, but need better coordinating
- We need statewide buffer and fencing regulations and incentives. Implications are huge.
- Education and public awareness is needed at the local level. We should do cost benefit analysis of existing programs.
- I would like to see emphasis and encouragement of LID.
- I agree with prioritizing. Prioritize biggest bang for buck and those with greater probability of success. Remove obstacles.
- Clearly VA needs more funding for positions. VA should fully implement existing laws.
- Coordinate programs
- LID is important. Lacking is funding for assessment of property benefits and risks
- Resources are going to TMDLs and not many funds for Implementation Plans and Implementation. There is a lag between TMDLs and implementation. We energize at the local level, and then walk away. When we return, does the TMDL need redoing? Timetable for TMDL, IPs, and implementation is a big issue.
- For agriculture restoration there is a great potential for utilizing the ASA. It is complaint driven, bad actor regulation. It could be used very effectively. What about the bad actors? Those don't seem equitable.
- Can one farmer rat on another?
- Yes, and RO's may register complaints. The law could be tweaked, as the Commissioner makes determination. Perhaps Environmental Agency should be involved in the final decision process.
- The agriculture community will help self police if given the opportunity.
- We need evidence for ASA to work. TMDLs also identify problem areas. We need more innovative market based incentives. Assistance is needed to solve sediments riparian buffer issues. I am a proponent of perpetual easement in exchange for improved WQ. Absentee landowners are difficult to get too. Long

- term protection easements should be explored for WQ improvement. We need more education about TMDLs and IPs-hard to communicate
- Does our spending get most value or spread around? We need strategic plan for spending.
 - Adaptive management should address lack of understanding that program is not sustainable. We need to educate the General Assembly
 - LID is important-We haven't done much to show localities the benefits
 - DCR is sponsoring LID workshop Sept. 12 at the Botanical Gardens
 - We should look at nutrient trading and involve private sector

3. What roadblocks exist that might inhibit or delay the successful implementation of our cleanup plan? How do you suggest we remove or mitigate the roadblock?

- We have inadequate capacity of monetary resources and staff. And lack of training.
- Federal law is often a roadblock. We needed a nutrient trading plan, for example, but we had better way. We had problems with EPA in approving Virginia's approach.
- Citizens don't really feel ownership of pollution that they are generating. We need to link people to their pollution. Perhaps assigning tributary allocations to localities would help.
- You should approach litigants about Consent Decree schedule. Give the program back to the State to allow focus on priorities.
- We need to maintain funding streams. Sustain programs, people and funding. Non existent relationships with most other agencies other than DCR and NRCS – need to do better
- Ownership of the issues is critical - you need to downsize to localities. Monitoring is inadequate at local level. You need monitoring redesigned to accommodate by location and parameter to fit local needs i.e. adaptive management.
- Sustain funding sources and balance from sources to meet needs. Fed vs. State to balance. Need more State funds to match federal funds.
- VDOT is over zealous on environment issues, and is uncooperative for repairs.
- I agree with all. NPS is focus. General public is partner-but there is general resistance by locals to regulation. We need to do a better job showing benefits to general public. Agency coordination needs to be improved. Do not duplicate efforts.
- Local governments LID.local ordinances are not flexible-there needs to be more education and flexibility. Perhaps structured legislation for LID is needed.
- From the Bay Act, the next phase will require locals to revise local ordinances, i.e. LID, and add flexibility. DCR is in development phase. It is coming.
- Permanent funding is needed. Roles and responsibilities need to be defined. We need education for local land owners. Tech service is needed for delivery maintenance

- Funding issue. Local accountability. Tech.service capacity. The voluntary nature needs to be addressed, what are we going to do? Are addressing past conditions and not addressing future conditions the best route? What are the trends and future needs?
- Local implementation will be the roadblock. Districts are expected to be implementers. Field level issue..we need consistent, sustained staff for long term relationships
- We need to consider growth issues, energy, building, roads, etc. Space will also become growing issue.
- Sediment erosion is very important. Is there an enforceable standard for sediment? I think that there is a lack of enforceable WQ standard for sediment.
- We need statewide standards rather than localized standards.
- That's a good idea but not technically feasible.
- In far too many situations, staff are viewed as bureaucrats. Farmers are mindful of environment and want education vs. regulation.
- State or local funding? We may need help at first line of defense. Local funding is big issue.

4. How do we set reasonable and achievable time frames to accomplish the clean-up plan objectives?

- Adaptive management enables varieties of solutions with ability to adaptively change. 6 months reporting allows for change but is too soon for trend analysis. We need to target those that can be controlled, and to communicate same to the General Assembly. Local governments should provide input, but DEQ and DCR should decide.
- We need reasonable objectives, that are do-able, that are most cost effective, with available the resources. We need to provide a vision for future.
- Most importantly we need timeframes and expectations that are to be realistic.
- NPS are to be 2/3..pick most cost effective BMPs and do them.
- Different agencies would pick different priorities
- Use TMDLs to target
- We need short term 2-3 year goals and long term 2-10 year funding estimates
- We would do like government always does - arbitrary decisions... We should ask scientists to estimate times of accomplishment to achieve goals.
- We need estimates by January due date.
- We have funding and Implementation Plans, but timeframe to accomplish is dependant on funding and staff resources.
- The State needs a committee to develop timeframe and use adaptive management to guide progress. The stick has be EPA.We need programs in place and demonstrates the ability to achieve.
- We need to move as quickly as we can. It will be moving target
- We need to pick a reasonable timeframe with reasonable goals, then set intermediate targets.
- aggressive reality....

- The General Assembly is not adequately informed about environmental remediation—the plan needs to address that issue.

Additional Hand-written Notes from Participants:

- **Where should we focus?**
“Strengthening the delivery program/process-VA organization is TOP heavy. Very few trained troops”
- **What should VA be doing?**
“Educate public so when we get cleaned up little more is added.”
“Richmond restricting local initiatives and flexibility limits how things re done not just what needs doing”.
- **Roadblocks**
“Funding flux. Must have steady finding”
“Have dedicated funding.”
- **How do we set reasonable and achievable time frames?**
“In block of funding, phased over time. Consider project rime. Ramp up time needed to get people skills, on the ground involvement.”
- **Where should we focus?**
“Implementing plans that have been developed for NPS pollution.”
“Increasing program capacity”
“Technical service delivery-involve private sector”
“Consistent, adequate funding”
“Local resources/responsibility/accountability”
- **What should VA be doing for Water Quality?**
“Long term funding for water quality”
“Stormwater-erosion control implementation and enforcement”
“Update local development codes to remove obstacles to and create incentives for environmentally friendly development practices”
- **What should VA not be doing?**
“Spending money on practices that cost a lot but do not result in comparable pollution reductions”
- **Roadblocks**
“Lack of funding”
“Lack of local accountability”
“Technical service capacity for NPS”
“Voluntary NPS Programs-inadequate enrollment”
“Future changes in agricultural development patterns”

“Provide assistance vs. enforcement action”

1-“Adaptive management
Uncertainty identification
logic, mapping (resource, action needs)
monitoring
assessment

agriculture”

2-“State-local coordination”

3-“effective assessment for adaptive management

enhanced monitoring

honest program evaluation”

1-“identify specifically the major problems and sources of them first, before the solutions –quantification of remedies”

2-“More emphasis and incentives for LID”

3-“Local ordinances interfere frequently with LID-public education-change law”

4-“Science base for change” “Arbitrary” “just as an incentive”

“Divest in watersheds that are currently producing cleaner waters.”

“Developing identities for watersheds other than the Chesapeake Bay”

“Irregular funding for field level staff.”